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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES OF AMERICA,

4-07-70574 WDB

9 Plaintiff,

ORDER GRANTING THIRD
STIPULATION TO WAIVE TIME UNDER
SPEEDY TRIAL ACT AND FOR
PRELIMINARY HEARING

10 v.

11 MICHAEL MARTIN, et al.,

12 Defendant.
13 _____/

14 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. §
15 3161(h)(8), the parties in this matter have filed a Third
16 Stipulation to Waive Time Under the Speedy Trial Act and for
17 Preliminary Hearing, seeking to waive and extend the time for
18 the preliminary hearing and to exclude the time between December
19 14, 2007, through January 29, 2008, from the Speedy Trial Clock.
20 The stipulation was signed by counsel of record as well as the
21 defendants such that the defendants are knowingly and
22 voluntarily waiving their rights to a preliminary hearing on
23 December 14, 2007, and extending the preliminary hearing until
24 January 29, 2008.

1 The stipulation noted that the government provided
2 discovery to defendants' counsel during the period previously
3 excluded (from October 26, 2007 to December 14, 2007).

4 Additional time will allow defendants' counsel to better
5 evaluate the case, including the prospect of early resolution at
6 the pre-indictment stage. Counsel also acknowledged that an
7 exclusion of time under the Speedy Trial Act is appropriate to
8 allow for the effective preparation of defense counsel taking
9 into account the exercise of due diligence. Good cause
10 appearing therefor,

11 **IT IS HEREBY ORDERED** that the period between December 14,
12 2007, and January 29, 2008, is excluded from the Speedy Trial
13 Clock to allow counsel to effectively prepare, taking into
14 account the exercise of due diligence. 18 U.S.C. §
15 3161(h)(8)(B)(iv). The Court finds that the "ends of justice
16 served by the granting of such continuance outweigh[s] the best
17 interests of the public and the defendant in a speedy trial."
18 18 U.S.C. § 3161(h)(8)(A). Additionally, the Court finds that
19 the defendants knowingly and voluntarily waived the period
20 between December 14, 2007, and January 29, 2008, such that
21 preliminary hearing is now scheduled for January 29, 2008 at
22 10:00 a.m.

23 Dated: December 13, 2007

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26 WAYNE D. BRAZIL, Judge
27 United States District Court
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